

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KMI ZEOLITE, INC. et al.,

Plaintiff(s),

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR, et al.,

Defendant(s).

Case No. 2:15-CV-2038 JCM (VCF)

ORDER

Presently before the court is plaintiff Robert Ford's motion for leave to file an amended complaint. (ECF Nos. 49, 53). Defendants have not filed a response, and the period to do so has since passed.

Plaintiff Ford seeks leave to amend his complaint to add new parties to his quiet title claim who may have an interest in the subject property, claiming that these parties were just recently discovered. (ECF No. 49). Plaintiff KMI Zeolite, Inc. filed a response indicating that it has no position regarding plaintiff Ford's motion. (ECF No. 50). Defendants have not opposed the motion.

Federal Rule of Civil Procedure 15(a) provides that "[t]he court should freely give leave [to amend] when justice so requires." Fed. R. Civ. P. 15(a)(2). The Supreme Court has interpreted Rule 15(a) and confirmed the liberal standard district courts must apply when granting such leave. In *Foman v. Davis*, the Supreme Court explained:

In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue

1 of allowance of the amendment, futility of the amendment, etc.—the leave sought
2 should, as the rules require, be “freely given.”

3 371 U.S. 178, 182 (1962).

4 Further, pursuant to Local Rule 7-2(d), “the failure of an opposing party to file points and
5 authorities in response to any motion . . . constitutes a consent to the granting of the motion.” LR
6 7-2(d).

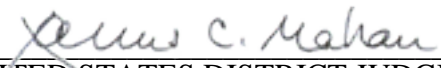
7 In light of the foregoing, the court will grant plaintiff Ford’s motion for leave to file an
8 amended complaint. (ECF No. 49). Plaintiff shall file an amended complaint identical to that
9 attached to his notice of corrected document (ECF No. 53) within seven (7) days from the date of
10 this order.

11 Accordingly,

12 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff Ford’s motion
13 for leave to file an amended complaint (ECF No. 49) be, and the same hereby is, GRANTED.

14 IT IS FURTHER ORDERED that plaintiff Ford shall file an amended complaint identical
15 to that attached to his notice of corrected document (ECF No. 53) within seven (7) days from the
16 date of this order.

17 DATED November 29, 2016.

18 
UNITED STATES DISTRICT JUDGE